

State of Virginia

City of Richmond

*In the UNITED STATES DISTRICT COURT for the Eastern District of Virginia
CRIMINAL DIVISION*

United States of America
Plaintiff FICTITIOUS FOREIGN STATE)

vs.

Case No. 3:16 MJ 294

Nehemyah Hoseyah Penn
Petitioner/Administrator)

VERIFIED MOTION TO DISMISS CASE

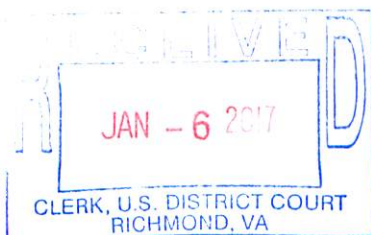
Comes now *Petitioner/Administrator*, Nehemyah Hoseyah Penn, a non-corporate entity in the above captioned case and requests that the case be dismissed, with prejudice.

The Petitioner is now placing a Demand for jurisdiction and venue change under new discovery of information of fraud and failure of disclosure by the Court, the prosecution and by the / an attorney, and, therefore a dismissal of charges, with prejudice, in favor of this Petitioner is Demanded because of fraud placed upon the court. (see Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238 (1944)).

MEMORANDUM

Motion 3b-8-1998

ARGUMENT



1.) The Court Lacks Jurisdiction Over Plaintiffs' Claims.

Plaintiffs bear the burden to show subject matter jurisdiction under Rule 12(b)(1), and the Court must determine whether it has subject matter jurisdiction before addressing the merits of the complaint. See *Steel Co. v Citizens for a Better Env't*, 523 U.S. 83, 94-95 (1998). Plaintiffs cannot satisfy their burden.

A.) Plaintiff Cannot Establish Standing to Sue.

To have standing to sue, a “plaintiff must have suffered an injury in fact — an invasion of a legally protected interest which is (a) concrete and particularized, and (b) actual or imminent, not conjectural or hypothetical”—that is fairly traceable to the challenged conduct. *Lujan*, 504 U.S. at 560. Allegations of “an injury” do not show an injury in fact, particularly where “the acts necessary to make the injury happen are at least partly within the plaintiff’s own control.” *Id.* at 564 n.2.

In these situations, “the injury [must] proceed with a high degree of immediacy, so as to reduce the possibility of deciding a case in which no injury would have occurred at all.” *Id.*

POINT I: THE COMPLAINT SHOULD BE DISMISSED BECAUSE PLAINTIFFS HAVE NOT ESTABLISHED THEIR STANDING

A. The Requirements of Article III Standing

“The judicial power of the United States” is limited by Article III of the Constitution “to the resolution of ‘cases’ and ‘controversies.’” *Valley Forge Christian Coll. v. Americans United for Separation of Church & State, Inc.*, 454 U.S. 464, 471 (1982). “No principle is more fundamental to the judiciary’s proper role in our system of government.” *DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 341 (2006).

A demonstration by plaintiffs of their standing to sue “is an essential and unchanging part of the case-or-controversy requirement,” *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992), “serv[ing] to prevent the judicial process from being used to usurp the powers of the political branches.” *Clapper v. Amnesty Int’l USA*, 133 S. Ct. 1138, 1146 (2013). The “standing inquiry has been especially rigorous when reaching the merits of the dispute would force [a court] to decide whether an action taken by one of the other two branches of the Federal Government was unconstitutional.” *Id.* at 1147. Similarly, as the Supreme Court recently observed in *Amnesty Int’l*, it has “often found a lack of standing in cases in which the Judiciary has been requested to review actions of the political branches in the fields of intelligence gathering and foreign affairs.” *Id.*

To establish Article III standing, Plaintiffs must seek relief from an injury that is “concrete, particularized, and actual or imminent; fairly traceable to the challenged action; and redressable by a favorable ruling.’ . If Plaintiffs cannot carry the threshold jurisdictional burden of adequately pleading their standing to sue, see *Defenders of Wildlife*, 504 U.S. at 561, then “the [C]ourt cannot proceed” and must dismiss the case. *Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 94 (1998).

Supporting Facts

1. **December 26th 1933 49 Statute 3097 Treaty Series 881 (Convention on Rights and Duties of States) stated CONGRESS replaced STATUTES with international law, placing all states under international law. Petitioner/Administrator believes there is no evidence to the contrary.**
2. **December 9th 1945 International Organization Immunities Act relinquished every public office of the United States to the United Nations. Petitioner/Administrator believe there is no evidence to the contrary.**
3. **22 CFR 92.12-92.31 FR Heading “Foreign Relationship” states that an oath is required to take office. Petitioner/Administrator believes there is no evidence to the contrary.**
4. **Title 8 USC 1481 stated once an oath of office is taken citizenship is relinquished, thus you become a foreign entity, agency, or state. That means every public office is a foreign state, including all political subdivisions. (i.e. every single court is considered a separate foreign entity) Petitioner/Administrator believes there is no evidence to the contrary.**

5. Title 22 USC (Foreign Relations and Intercourse) Chapter 11 identifies all public officials as foreign agents. Petitioner/Administrator believes there is no evidence to the contrary.
6. Title 28 USC 3002 Section 15A states that the United States is a Federal Corporation and not a Government, including the Judiciary Procedural Section. Petitioner/Administrator believes there is no evidence to the contrary.
7. Federal Rules of Civil Procedure (FRCP) 4j states that the Court jurisdiction and immunity fall under a foreign State. Petitioner/Administrator believes there is no evidence to the contrary.
8. The 11th Amendment states "The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of an Foreign State." (A foreign entity, agency, or state cannot bring any suit against a United States citizen without abiding the following procedure.) Petitioner/Administrator believes there is no evidence to the contrary.
9. Title 22 CFR 93.1-93.2 states that the Department of State has to be notified of any suit, and in turn has to notify the United States citizen of said suit. Petitioner/Administrator believes there is no evidence to the contrary.
10. Title 28 USC 1330 states that the United States District Court has to grant permission for the suit to be pursued once the court has been supplied sufficient proof that the United States citizen is actually a corporate entity. Petitioner/Administrator believes there is no evidence to the contrary.

11. Title 28 USC 1608 I have Absolute Immunity as a Corporation. Petitioner/Administrator believes there is no evidence to the contrary.
12. Title 28 USC 1602-1611 (Foreign Sovereign Immunities Act) allows the jurisdiction of a court to be challenged, and a demand of proper jurisdiction to be stated. And Petitioner/Administrator believes there is no evidence to the contrary.
13. July 27th 1868 15 Statutes at Large Chapter 249 Section 1 "Acts Concerning American Citizens in a Foreign State", expatriation, is what is broken when jurisdiction is demanded, and it is not met with an answer. Petitioner/Administrator believes there is no evidence to the contrary.
14. Under the Federal Rules of Civil Procedure 12b 6 the prosecution has failed to provide adequate proof that the parties involved in this situation are actually corporate entities. Petitioner/Administrator have provided ample proof that the prosecution and other agents are actually corporations. Petitioner/Administrator believes there is no evidence to the contrary.
15. 1950 81st Congress Investigated the Lawyers Guild and determined that the B.A.R. Association is founded and ran by communists under definition. Thus any elected official that is a member of the B.A.R. will only be loyal to the B.A.R. and not the people. Petitioner/Administrator believes there is no evidence to the contrary.

FACTS OF FRAUD.

- 1.) Petitioner is a people and not a "person" under legal definition
- 2.) Plaintiff is a FICTITIOUS ENTITY and has no body in which to sustain an injury and therefore

lacks standing.

3.) "There is but one cause of action and that is civil," and this Court has this Petitioner in a "criminal action."

4.) The petitioner has been denied the use of constitutionally protected rights under the Bill of Rights.

5.) The Petitioner has been denied the use of this States' and the federal statutory laws as a defense, and the denial of the use of Acts of Congress

6.) This action taken by this court is a direct violation of the Clearfield Trust Doctrine.

7.) There is a deception of the Court's proper Name from that of the People's proper Constitutional court to that of the corporation court name.

8.) All criminal action comes under Title 50 USC, chapter 3, Alien Enemy, in Appendix section 23, Jurisdiction of the United States court and judges.

9.) This Court has fraudulently allowed the prosecution and attorneys in declaring (or assuming) this Petitioner is an "enemy of the State" by the use of the "State of Emergency," under the 1933 national State of Emergency clause resulting in the kidnapping and extortion with intent to cause harm to this petitioner.

10.) This was not disclosed to the petitioner by the Court, the prosecution or by the attorney/s at the time of arraignment, trial or sentencing, and, see:

TITLE 50, APPENDIX App. > TRADING WITH THE ENEMY ACT OF 1917,
§ 21

§ 21. Claims of naturalized citizens as affected by expatriation

The claim of any naturalized American citizen under the provisions of this Act [sections 1 to 6, 7 to 39, and 41 to 44 of this Appendix] shall not be denied on the ground of any presumption of expatriation which has arisen against him, under the second sentence of section 2 of the Act entitled "An Act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907, if

he shall give satisfactory evidence to the President, or the court, as the case may be, of his uninterrupted loyalty to the United States during his absence, and that he has returned to the United States, or that he, although desiring to return, has been prevented from so returning by circumstances beyond his control.

11.) The Court, the prosecution and the attorney all have full knowledge of the 1959 Executive Order 10834 that placed this Court under the State of Emergency and under jurisdiction the presidential flag and of military jurisdiction.

12.) This Court and its Court officers are in violation of the Military Commission Act, and in violation of the General Orders 100 under the Lieber Code ("INSTRUCTIONS for the GOVERNMENT OF ARMIES of THE UNITED STATES IN THE FIELD" prepared by Francis Lieber, LL.D., (Originally issued as GENERAL ORDERS No. 100, Adjutant General's Office, 1863)), and of Executive Order 10834, Sec. 24.

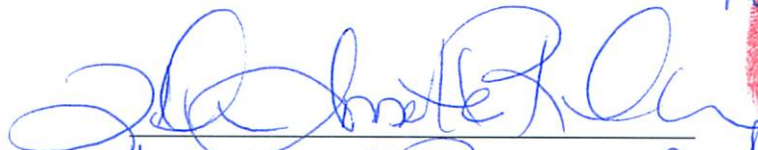
(a) The Secretary of Defense in respect of procurement for the Department of Defense (including military colors) and the Administrator of General Services in respect of procurement for executive agencies other than the Department of Defense may, for cause which the Secretary or the Administrator, as the case may be, deems sufficient, make necessary minor adjustments in one or more of the dimensions or proportionate dimensions prescribed by this order, or authorize proportions or sizes other than those prescribed by section 3 or section 21 of this order.

The Petitioner now Demands a proper jurisdiction and a venue change to the People's Constitutional Article III court, and for the court to function in good behavior or for this action to be dismissed, with prejudice, in favor of this Petitioner.

WHEREFORE, *Petitioner* asks this Court that the case be dismissed, *with prejudice* and for all other proper relief.

Date

1/5/2017


"Assistant Power of Attorney"
"Without prejudice"
living woman on the land
denied - Michelle Randolph

cc. Mary E. Maquire
Peter S. Duffey
LaTanya N. Eason

MAIL ★

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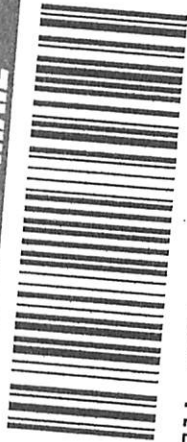
INTERNATIONALLY,
DECLARATION
BE REQUIRED.



July 2013
x 9.5

FROM:

Dorlene Arellano Randall
c/o PO box 262412
Richmond, Virginia [23260-9998]



7016 2710 0000 3934 5732

TO: Clerk of Court
c/o David J. Nvrak
United States Magistrate
Judge Room # 51400
101 E. Broad Street
Richmond, Virginia
23219

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